627

App. F. IX-4

Previous References.

19 50-51
C. B)

File No. 424-50

Serial Nos. /

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for February. 51

SUBJECT

Grant of leave to High Court Judges

No. R.S. 16731-33/C13/917 Dt. 1951.

To
The P.S. to H.M.
The Registrar, High Court
The Accountant General of Mysore.

Forwarded a copy of letter No. F.27-P-51 dt 12 Feb 1951 received from the Deputy Secretary to G.o.I. Ministry of State in respect of the above for information.

WD 010861—GPB—25,000—18-9-50.

Serial No.

Letter No F-27-P/51 dt 12-2-1951 from the Secretary to the Govt of India, Ministry of States re: procedure to be followed for granting leave to High Court Judges.

Draft forwarding the communication from the States Ministry to the PS to H H, Registrar High Court and Accountant General ~~xxx~~ is put up

CKS 14/2/51

Sd/- 14.2.51.

Prasad 14/2/51

No 16731-33/CB dt 17-2-1951

B

GENERAL RECORDS SECTION
6278
13 1951
CONFIDENTIAL

F.27-P/51. New Delhi-2, the 12 Feb. 1951.

From

The Deputy Secretary to the Government of India,
Ministry of States.

To

The Chief Secretary to the Government of
Travancore-Cochin, Trivandrum.

Sir,

Sub:- Leave-Earned leave - Sri K.T.Koshi - Judge, High Court.

Ref:- Your letter CJ4 No.363/51/CS, dated January 11, 1951.

CHIEF SECRETARY
13 FEB 1951
GOVT. OF MYSORE

I am directed to state that in the case of Judges of High Courts in Part A States, the power to grant, refuse, revoke or curtail leave is vested in the Governor after consultation with the Chief Justice. This position which was obtaining before continues after 26th January 1950 by virtue of paragraph 10(4) of Part D of the Second Schedule to the Constitution. The position in respect of the Judges of the High Courts in Part B States is that under paragraph 5 of the High Court Judges (Part B States) (Salaries and Allowances) Order, 1950, the rights in respect of leave of absence of a continuing Judge are to be governed by the same provisions which existed before the commencement of the Constitution. The leave of Mr. Justice K.T.Koshi has, therefore, to be sanctioned by the same authority (i.e. the State Government or the Rajpramukh) who had the power to do so before the commencement of the Constitution. I am to add that the Travancore-Cochin Government may accordingly take steps to notify the leave in the Gazette of the State.

Yours faithfully,

Sd/- C. Ganesan

Deputy Secretary
to the Government of India.

Copy, with a copy of the letter referred to above, forwarded to the Chief Secretary to the Government of Hyderabad (Deccan)/Mysore/Madhya Bharat/Saurashtra/Patiala and East Punjab States Union/Rajasthan for information and guidance.

C Ganesan

Deputy Secretary
to the Government of India.

Copy of letter CJ4 No.363/51/CS., dated the 11th January 1951 from the Chief Secretary to the Government of Travancore-Cochin, Trivandrum to the Secretary to the Secretary to the Government of India, Ministry of States, New Delhi.

Leave - Earned leave - Sri K.T.Koshi - Judge, High Court.

I am to forward herewith copies of letters dated 5-1-1951 and 9-1-1951 from Sri K.T.Koshi, Judge, High Court, for grant of Earned leave for one month from 10-1-1951. Since the leave was required immediately this Government have allowed him to avail himself of the leave (for which he is eligible) subject to ratification by the President. His Highness the Rajpramukh has also been informed of this. I am to request you that necessary sanction of the President may kindly be obtained and communicated to this Government at an early date.

I am also to request you that this Government may be informed of the procedure to be followed in the matter of granting leave etc., to the High Court Judges.

K.T.Koshi B.A., B.L.,
High Court Judge.

Ernakulam,
5th January 1951.

Dear Mr. K.G.Menon,

For urgent and unavoidable reasons I desire to avail myself of one month's privilege leave with effect from 10-1-1951 or from date of avail. I shall thank you to obtain and communicate to me as early as possible the necessary sanction for proceeding on leave.

My younger daughter who has been ill for some time is advised to undergo an operation at the Mission Hospital, Vellore and I am every day expecting intimation from the Hospital authorities as to when she can be admitted there. In case I am obliged to leave the station before the communication sanctioning leave reaches me, I believe I can do so in anticipation of leave being granted. If it is found that my absence from the station for a period of one month is not necessary I shall be glad to join duty after cancelling the unexpired portion of the leave.

Yours sincerely,

Sd/- K.T.Koshi

/ True Copy /

Sri K.G. Menon I.C.S.,
Chief Secretary to Government
of Travancore-Cochin, Trivandrum.

K.T.Koshi B.A., B.L.,
High Court Judge.

Ernakulam,
9th January 1951.

Dear Mr. K.G. Menon,

I write this in continuation of my letter dated the 5th January 1951 to inform you that, ~~it~~ telegraphic communication having been received fixing the date of my daughter's admission to the hospital, I am obliged to leave the station immediately in anticipation of the leave applied for being granted with effect from 10th January 1951.

The Accountant General has informed the Registrar of the High Court that I am entitled to earned leave for two months and twenty days.

Requesting you to obtain the necessary orders sanctioning the leave.

Yours sincerely,

Sd/- K.T.Koshi.

Shri K.G.Menon, I.C.S.,
Chief Secretary to the Government
of Travancore-Cochin, Trivandrum.

No. 16731-33/56. case-2

Dt. 17-2-51

G. R. S. App. F. G. 3.]

GENERAL AND REVENUE SECRETARIAT.

Continuation sheet draft form.

To
1) The P.S. to H.H.
2) The Registrar High Court
3) The Accountant General Mysore Bangalore

Sir.

Subject- Leave to High Court Judges.

I am directed to forward herewith a copy of letter No F 27 P/51 dt 12-2-1951, with enclosures from the Ministry of States, Govt of India for information and guidance.

Yours faithfully

Secy

for Secy Santosh Govt. CS

(copy (three copies for circulation)

6 copies for circulation please.

WD 06072—GPB—25,000—21-6-49

14.2.51.